

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**PLAINTIFF’S OPPOSED MOTION
FOR LEAVE TO SUBMIT TECHNICAL TUTORIAL**

Bytemark, Inc. (“Bytemark”) Plaintiff in the above-entitled and numbered civil action, moves the Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure for leave to submit its technical tutorial and shows as follows:

1. Pursuant to the Court’s Amended Docket Order (Doc. No. 37) the deadline for Bytemark to submit any technical tutorial was April 19, 2017. Bytemark was not able to submit its technology tutorial by the deadline set forth in the Court’s Amended Docket Control Order due to realizing on April 19, prior to serving its technical tutorial, that Local Rule CV-10(e) did not authorize (or could be interpreted not authorize) submission of a technical tutorial solely by reference to a hyperlink. Post-April 19, Bytemark encountered unexpected difficulties with organizing, converting and completing the tutorial in a format that complied with the Court’s local rules. Bytemark has now completed its tutorial and seeks leave of Court to submit it to the Court and to the technical advisor appointed in this action in advance of the Claim Construction Hearing in this action is scheduled for May 31, 2017 at 9:00 a.m.

2. The patents at issue in this litigation relate to Bytemark's V3 Ticketing Technology. The associated technology is complex and the Court will likely gain a greater understanding of the underlying technical concepts associated with the patents at issue by reviewing Bytemark's technical tutorial in prior to the Markman Hearing. Bytemark believes that its brief technical tutorial (consisting of an 8 slide PowerPoint presentation and 3 short videos with a combined running time of 4 minutes and 21 seconds) would not unduly burden the record and would be of benefit to the Court in understanding the technology at issue in this action and, for these reasons, assert that good cause exists for the submission of this information.

PREMISES CONSIDERED, Bytemark respectfully requests the Court grant it leave to submit its technical tutorial to the Court and the appointed Technical Advisor in this action and for such other and further relief as the Court deems suitable and just.

Dated: April 28, 2017

Respectfully submitted,

A handwritten signature in blue ink that reads "Andy Tindel w/ permission of Lead Attorney".

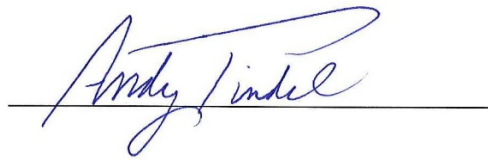
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Attorneys for Plaintiff Bytemark, Inc.

CERTIFICATE OF SERVICE

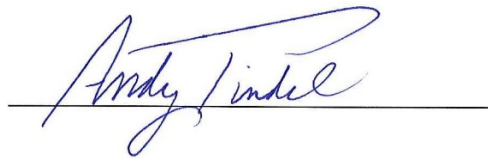
This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 28th day of April, 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel

CERTIFICATE OF CONFERENCE

In compliance with E.D. Tex. Loc. Ct. R. CV-7(h), undersigned counsel for Plaintiff Bytemark, Inc. and Kasia Brozynski, counsel for Defendant Masabi Ltd. communicated by telephone on April 27, 2017 with respect to Plaintiff's Motion for Leave to Submit Technical Tutorial. The parties could not reach agreement on the motion and discussions have conclusively ended in an impasse, leaving an open issue for the court to resolve. Accordingly, Plaintiff's Motion for Leave to Submit Technical Tutorial is submitted as an opposed motion.

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel